

# Organic Law 23-14 Relating to Information and the Challenges of Artificial Intelligence

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## Abstract

*The challenges of the rapid technological revolution, which have affected all aspects of human life, whether social, cultural, political, or economic, have imposed themselves directly or indirectly, and all the societies composing this world, with its multiple customs, cultures, and orientations, have interacted with them. Due to the individual's thirst for information and the pursuit of obtaining it by various means, whether governmental or private, and in line with the development of society and the informational chaos, which has become largely directed toward society, it has become necessary to keep legal texts relating to the media in line with the developments taking place, especially what is known as artificial intelligence. This term has captured the minds of all those passionate about knowledge and has recently appeared in news bulletins, to the extent that there is a Ministry of Artificial Intelligence in some countries. Algeria, through its amendment of the media law, is supposed to keep pace with developments in this field. Accordingly, the following question arises: To what extent has Organic Law 23-14 relating to the media interacted with the challenges of artificial intelligence?.*

**Keywords:** *Media Law, Artificial Intelligence, Freedom of Media and Communication, Professional Journalist, Protection of Rights and Freedoms.*

*Received: 13/01/2026 ; Accepted :28/04/2026 ; Published : 24/05/2026*

## Introduction

Artificial intelligence technologies have invaded the field of media in our current era, and have contributed to supporting journalism and enhancing human capabilities and contributions in an unprecedented manner. Their rapidly developing technologies have become capable of carrying out procedures according to prior algorithmic information, and of providing media coverage in difficult places that cannot be accessed quickly and without risks.

The importance of the study lies in attempting to provide the reader with a theoretical approach by linking the Organic Law on Information with the idea of artificial intelligence from a theoretical perspective. From a practical perspective, it seeks to find the relationships between the Organic Law on Information and the possibility of applying the idea of artificial intelligence through it.

The study also aims to extrapolate the constitutional texts relating to freedom in the media, and to attempt to determine the extent to which the constitutional founder succeeded or was able to constitutionalize the issue of artificial intelligence and its use in the field of media and communication. The study also aims to attempt to answer the overlap between freedom in the media and the responsibility related to preserving public order and the foundations upon which society is built, in light of a society open to others, while preserving privacy and protecting the private life of the individual and society.

From the foregoing, the following question arises: "How can the new media law confront the challenges of artificial intelligence?" To answer this problem, we adopted the analytical method, and the research paper was divided into two requirements as major axes. The constitutional basis of the media law and the challenges of artificial intelligence are addressed (First Requirement), and the legislative basis of the media law and the challenges of artificial intelligence are addressed (Second Requirement).

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*First Requirement:*

*The Constitutional Basis of the Media Law and the Challenges of Artificial Intelligence*

The Algerian constitutional founder provided in Article 54 of the Constitution that: “Freedom of the press, written, audiovisual, and electronic, is guaranteed. Freedom of the press includes, in particular, the following:

- Freedom of expression and creativity of journalists and press collaborators,
- The journalist’s right to access sources of information within the framework of respect for the law,
- The right to protect the independence of the journalist and professional secrecy,
- The right to create newspapers and publications merely by declaration,
- The right to create television and radio channels, websites, and electronic newspapers under conditions determined by law,
- The right to publish news, ideas, images, and opinions within the framework of the law, and with respect for the constants of the nation and its religious, moral, and cultural values.
- Freedom of the press may not be used to undermine the dignity, freedoms, and rights of others.
- The publication of discriminatory and hateful speech is prohibited.
- A press offense may not be subject to a custodial penalty.

The activity of newspapers, publications, television and radio channels, websites, and electronic newspapers may not be suspended except by virtue of a judicial decision <sup>1</sup>.

Through the extrapolation of the constitutional text, we note that the constitutional founder did not address the idea of artificial intelligence at all in this text. However, through Article 27 of the Constitution, whose text states: “Public utilities guarantee every user equal access to services, without discrimination. Public utilities are based on the principles of continuity, continuous adaptation, and coverage of the national territory, and, where necessary, ensuring a minimum level of service.” We infer from the text that the continuous adaptability mentioned in the last paragraph may mean adaptation to new developments in all fields related to public utilities, and the media, as a public utility, must, through the text, adapt to the idea of artificial intelligence within the limits permitted by law.

It is also noted through the second paragraph of Article 34 of the Constitution, which states: “Rights, freedoms, and guarantees may not be restricted except by law, and for reasons related to the preservation of public order and security, the protection of national constants, as well as those necessary for the protection of other rights and freedoms enshrined in the Constitution. In all cases, these restrictions may not affect the essence of rights and freedoms.”

Through the extrapolation of the aforementioned article, it becomes clear that the constitutional founder took into account an important issue, namely the preservation of freedoms and their guarantees, and that they may not be restricted except in cases, namely:

- By law,
- For reasons related to public order and security <sup>2</sup>. What is meant by public order here is not only the material aspect, but also extends to the moral aspect, namely morals and public decency <sup>3</sup>.

The constitutional founder also provided in Article 39 thereof the following: “The State guarantees that the inviolability of the human being shall not be violated.

Any physical or moral violence, or any infringement of dignity, is prohibited” 4.

Article 47 of the Constitution further adds the following: “Every person has the right to the protection of his private life and honor.

Every person has the right to the confidentiality of his correspondence and private communications, whatever their form. The rights mentioned in the first and second paragraphs may not be infringed except by a reasoned order from the judicial authority. The protection of persons when processing personal data is a fundamental right. The law punishes any violation of these rights.”

Through the extrapolation of the article, and assuming that artificial intelligence has become a lived and practiced reality in the field of media and communication, does it not constitute an infringement of private life and a violation of the confidentiality of constitutionally protected communications? And how can we reconcile development in the field of media and communication and access to information, on the one hand, with the protection of individuals’ privacy and private lives, on the other hand? For example, a robot interacts with its surroundings according to algorithms that have no relation to humanity, principles, or the foundations that regulate society. Will artificial intelligence technologies add value to the media field and assist the functions of those working in it, or will they erase them?

Article 55 of the Constitution also states that: “Every citizen enjoys the right to access information, documents, and statistics, and to obtain and circulate them. The exercise of this right may not infringe upon the private life of others and their rights, the legitimate interests of institutions, and the requirements of national security” 5.

Article 77 of the Constitution provides the following: “Every citizen has the right to submit petitions to the administration, individually or collectively, to raise concerns relating to the public interest or to acts affecting his fundamental rights” 6.

Article 81 of the Constitution provides the following: “Every person exercises all freedoms within the framework of respect for the rights recognized to others in the Constitution, particularly respect for the right to honor, private life, and the protection of the family, childhood, and youth” 7.

### *Second Requirement*

#### *The Legislative Basis of the Media and Communication Law and the Challenges of Artificial Intelligence*

Through reviewing Media Law 23-14,<sup>8</sup> we note that its first article provides the following: “This organic law aims to determine the principles and rules that regulate media activity and its free practice.” Article 3 of the Organic Law answered the limits of this freedom as follows: “Media activity shall be practiced freely within the framework of the provisions of the Constitution, this Organic Law, and the legislation and regulation in force, and with respect for:

- The Islamic religion, the national religious reference, and other religions,
- The national identity and the religious, moral, and cultural constants and values of the nation,
- National sovereignty, national unity, and the unity of the national territory,
- The requirements of public order, security, and national defense,
- The foundations and symbols of the State,

- The economic interests of the country,
- The citizen's right to complete and objective information,
- The confidentiality of preliminary and judicial investigations,
- The pluralistic nature of currents of thought and opinions,
- Human dignity and individual and collective freedoms <sup>9</sup>.

Article 4 of the Organic Law on Information also indicated the following: "Media activities are practiced by media outlets belonging to:

- Public bodies and public sector institutions,
- Associations and political parties within the limits permitted by the laws governing them,
- Natural persons of Algerian nationality only and legal persons subject to Algerian law... and enjoying Algerian nationality only, or legal persons subject to Algerian law whose shareholders or partners enjoy Algerian nationality only <sup>10</sup>.

The text limited the practice of media activities to natural persons of Algerian nationality only, and legal persons subject only to Algerian law. The question here is: where can a news-presenting robot be classified within the framework of artificial intelligence? Can the robot be considered a natural person? Can the robot be considered to possess Algerian nationality? Or is legal personality impossible? In the event of an error, who is responsible for compensation in the case of an offense related to the press? And how is liability determined? Is it considered personal or service-related? All these questions must be answered.

Article 10 of the new Organic Law also provides that: "Every media outlet must employ full-time professional journalists, whose number shall not be less than one third of the editorial staff" <sup>11</sup>. Through this article, the legislator did not refer to the use of the robot journalist. In the event of using or involving a robot as a news presenter, for example, is the latter considered a professional journalist?

It is noted that Article 17 of the draft Organic Law on Information defined the professional journalist as follows: "A professional journalist is any person who practices journalistic activity within the meaning of this Organic Law, takes this activity as his regular profession and main source of income, and proves that he possesses either:

A higher education degree directly related to the profession of journalism, and professional experience of not less than three years in the field of journalism" <sup>12</sup>.

Through the extrapolation of the aforementioned article, we note that the legislator did not refer to, nor did he at all intend, the use of artificial intelligence or the robot, for example, as a news presenter, and did not consider it a journalist or determine how it may be used.

The robot (Erica) was considered the first robot news anchor in Japan. China also revealed, on February 22, 2019, the world's first robotic female anchor called (Xin Xiaomeng), operating with artificial intelligence technology <sup>13</sup>.

Article 19 of the draft Organic Law on Information also provides the following: "The various categories of journalists, press assistants, and professions related to journalistic activity shall be determined in the special statute of the journalist, which shall be determined by regulation." We always note that the Algerian legislator refers matters to regulation, and this issue is highly criticized, especially with regard to the consecration of the principle of legal certainty <sup>14</sup> and the prevention of normative disorder.

**Conclusion:**

Finally, we conclude through the study that the Algerian constitutional founder did not explicitly refer to the term artificial intelligence in the 2020 Constitution.

We conclude, through the extrapolation of the articles of the Constitution, that the constitutional founder guaranteed freedom of the press and media, but within the limits permitted by law, and within the limits of preserving public order and maintaining the unity of the nation.

We conclude that the constitutional founder referred to the need for public utilities to adapt to developments in the scientific and technological field, without specifying the limits of this adaptation.

We conclude that the national legislator, through the extrapolation of the Organic Law relating to Information, did not explicitly refer to the term of introducing artificial intelligence into the field of media and communication.

It recognized the practice of media and communication activity only for national natural persons and legal persons who hold Algerian nationality only. This results in depriving dual nationals of exercising this right.

*Proposals:*

- We propose amending the Media Law so that it responds to modern changes.
- Determining the fields of artificial intelligence and the use thereof.
- Rationalizing the use of artificial intelligence in the field of media, away from imagination.
- The rational use of artificial intelligence and benefiting from it, without relying on it.
- Conducting training courses for journalism professionals related to artificial intelligence.

**References**

- Article 54 of the Constitution of the People's Democratic Republic of Algeria, issued pursuant to Presidential Decree 20-442, dated December 30, 2020, O.G.P.D.R.A., No. 82, dated December 30, 2020, containing the constitutional amendment approved on November 1, 2020.
- Dr. Abdel Razzaq Al-Sanhuri defined public order as: "a set of rules aimed at achieving a public interest, political, economic, or social, related to the higher order of society, and which prevails over the interests of individuals. Everyone must therefore observe and achieve this interest, and they may not oppose it through agreements among themselves, even if these agreements achieve individual interests for them, for individual interests do not stand before the public interest." Abdel Razzaq Ahmed Al-Sanhuri, Al-Wasit in the Explanation of Civil Law, Vol. 1, 3rd ed., Al-Halabi Legal Publications, Beirut, Lebanon, 2000.
- After 1959, and since the decision issued on December 18, 1959 in the case of Lutetia and the French Film Production Company, the case law of the French Council of State has considered public morals and ethics as the moral aspect of public order, as an objective of administrative policing.
- Article 39 of the Constitution of the Republic of Algeria, 2020.
- Article 47 of the Constitution of the Republic of Algeria, 2020.
- Article 55 of the Constitution of the Republic of Algeria, 2020.
- Article 77 of the Constitution of the Republic of Algeria, 2020.
- Article 81 of the Constitution of the Republic of Algeria, 2020.
- Organic Law No. 23-14 dated August 27, 2023, O.G.P.D.R.A., No. 56, dated August 29, 2023, relating to Information.
- Article 3 of Organic Law 23-14 relating to Information.
- Article 4 of Organic Law 23-14 relating to Information.
- Article 10 of Organic Law 23-14 relating to Information.
- Article 17 of Organic Law 23-14 relating to Information.
- 14-(<https://www.skynewsarabia.com/technology/1229669>) .

The Algerian constitutional founder provided in Article 34 of the 2020 Constitution, in paragraph 4 thereof, the following:  
“In order to achieve legal certainty, the State shall ensure, when drafting legislation relating to rights and freedoms, that access to it, its clarity, and its stability are guaranteed.”.